S.B.CRIMINAL REVISION PETITION NO.1042/2006
(Rajender Kaur Vs. State & Ors.)

Date of order : 21.9.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. S.S. Dhillon, for the petitioner.
Mr. Vishnu Kachwaha, Public Prosecutor.
Mr. R.S. Gill, for non-petitioners.

Heard learned counsel for the parties.

A pointed query was made by this Court on 3.9.2007 that whether the order passed by executive Court under Section 97 Cr.P.C. for search warrant can be challenged by way of filing revision petition because it is an interlocutory order. Learned counsel for the non-petitioner sought time to answer the said query.

However, learned counsel for non-petitioners is not in position to satisfy this Court that this is not an interlocutory order.

I have perused the order impugned dated 5.8.2006 passed by SDM, Raisinghnagar.

Vide order dated 5.8.2006, the SDM has issued search warrant of minor son of petitioner to produce him before the Court and the matter was ordered to be

fixed on 17.8.2006. Thus, it is clear that the order dated 5.8.2006 is interlocutory order and the revision petition filed against the said order before Addl. Sessions Judge was not maintainable.

In this view of the matter, this revision petition is allowed and the order dated 19.9.2006 passed by Addl. Sessions Judge, Raisinghnagar is set aside as the revision petition was not maintainable. The order dated 5.8.2006 passed by SDM, Raisinghnagar is restored.

(GOPAL KRISHAN VYAS), J .

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